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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,916	06/19/2000	PHILIPPE JACOT	ICB063	4877
113	7590	06/13/2005	EXAMINER	
GRIFFIN BUTLER WHISENHUNT & SZIPL LLP SUITE PH-1 2300 NINTH STREET SOUTH ARLINGTON, VA 222042396			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,916

Applicant(s)

JACOT, PHILIPPE

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt of the Appeal Brief filed February 23, 2005 is acknowledged.

Applicant's arguments regarding Amendment (D) After Final are persuasive. Therefore prosecution of the application is REOPENED to consider Amendment (D) After Final filed May 27, 2004. claims 29-47 remain pending in the application and are presented to be examined.

2. The amendment to claim 40 addresses and obviates the rejection under 35 USC § 112, 2nd paragraph. Therefore the rejection of claim 40 under 35 USC § 112, 2nd paragraph is withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 29-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman et al (US 5,221, 838) in view of Claus et al (US 5,120,939).

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Re claims 29, 38 and 40:

Gutman discloses a process enabling financial transactions between a purchaser, at least one seller and at least one financial institute wherein

- a first device for establishing a first connection is set between an electronic purse (wallet-520) carried by the purchaser and a financial institute (522), from which the purchaser is related to (see figs. 5C-5E) (see Gutman, col. 12, ll. 33+; and col. 14, ll. 17+),

- a second device for establishing at least a second connection is set between the electronic purse carried by the purchaser and a cashing device owned by the seller (524) (see figs. 5C-5E) (see Gutman, col. 12, ll. 33+; and col. 14, ll. 17+),

- for the second connection or any other second connection (see Gutman, col. 12, ll. 33+; and col. 14, ll. 17+),

- a third device establishing a third connection is set between said cashing device owned by a seller and the financial institute from which the purchaser is related to (see Gutman, col. 12, ll. 33+; and col. 14, ll. 17+),

Gutman discloses that the transaction may be initiated from the electronic wallet by presenting a universal financial card transmitting from the electronic wallet a message including information relating to a balance via telephone lines or wireless communications (see Gutman, col. 13, ll. 40 to col. 14, ll. 16), Gutman fails to disclose transmitting an identification code from said electronic purse to the cashing device of the seller.

Claus discloses transmitting a identification code via a smart card to an authentication device to not allow fraudulent activity or access to a computer system (see Claus Abstract, col. 10, ll. 1-50). An artisan at the time of the invention of Gutman would have recognized the need to establish a proper level of security

It would have been obvious for an artisan of ordinary skill in the art to integrate the identification number, secret code and encryption code found in the smart card and portable security server disclosed in Claus into the universal financial card and electronic purse found in Gutman because an artisan of ordinary skill in the art at the time of the invention would have been familiar with the problems of creating secure electronic transactions and have thus been motivated to integrate the teachings of Claus into the Gutman, to add security to the system and to deter fraudulent behavior. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

Re claim 30:

Gutman in view of Claus discloses the third connection is set through a second financial institute from which the seller is related to (see Gutman, col. 14, ll. 17+),

Re claim 31:

Gutman in view of Claus discloses the first connection is a radio-electric type on at least a portion of its path, and wherein the third connection transits on the telephone network

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for at least a portion of its path (see Gutman, col. 4, ll. 36+; and col. 11, ll. 9+; and col. 13, ll. 24+),

Re claim 32:

Gutman in view of Claus discloses wherein the initial connection may be carried out by wireless connection, ground relay and a telephone network which transmits a signal via the relay directly to the institute (see Gutman, col. 13, ll. 40 to col. 14, ll. 16),

Re claim 33:

Gutman in view of Claus discloses that the second connection is realized by a connecting cable which links a connector of the electronic purse to a connector of the cashing device or by a card including writable memory means, or is a radio-electric or infrared type (see Gutman, col. 5, ll. 44+; and col. 4, ll. 44+),

Re claim 34:

Gutman in view of Claus discloses that the first connection includes, transmission of a PIN code (see Gutman col. 2, ll. 7+; and col. 14, ll. 17+), transmission of a spending authorization request for a specific amount of money, and/or transmission of the specific amount in the electronic money (see Gutman, col. 14, ll. 17+)

Re claim 35:

Gutman in view of Claus discloses wherein the third connection includes in particular the steps of: transmission of an identification code from the cashing device (see Gutman,

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col. 14, ll. 17+), and transmission of the spending authorization of a specific amount of money, and/or transmission of the specific amount in the electronic money (see Gutman, col. 14, ll. 17+),

Re claim 36:

Gutman in view of Clause discloses wherein the third connection includes in particular,

- transmission of an identification code from the cashing device (Gutman, col. 2, ll. 7+),
- transmission of the spending authorization of a specific amount of money, and/or
- transmission of the specific amount of in electronic money (see Gutman, col. 14, 17+),

Re claim 37:

Gutman in view of Claus discloses wherein the first and/or second connection includes in particular a step of transmission of a recognition code of a parameter suitable for the buyer, said buyer introducing said parameter by a keyboard of the electronic purse and/or by a recording device of the said parameter, said recognition code being separately transmitted of combined with the identification code from the electronic purse (see Gutman, col. 14, ll. 17+; and col. 2, ll. 7+),

Re claim 39:

Gutman in view of Claus discloses wherein the third device for establishing a third connection includes connecting means between the cashing device owned by a seller and a financial institute from which the seller is related to, and other connection means between said financial institute from which the seller is related to and the financial

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institute from which the buyer is related to (see Gutman, fig. 5A-5E, col. 12, ll. 33+; and col. 14, ll. 17+),

Re claim 41:

(see explanation for claim 32)

Re claim 42:

Gutman in view of Claus discloses wherein the second device for establishing a second connection includes in particular a device for introducing a chip card and a device for writing in a writable memory of said chip card, and/or transmitting and receiving means of radio-electric or infrared type (see Gutman, col. 5, ll. 44+; and col. 4, ll. 44+)

Re claim 43:

Gutman in view of Claus discloses wherein the second device for establishing a second connection includes in particular a connector for a connection by cable with said cashing device (see Gutman, col. 9, ll. 27+),

Re claim 44:

Gutman in view of Claus discloses wherein it is controlled by a computer programmable to carry out a financial transaction according to any currency (see Gutman col. 5, ll. 44+; and col. 4, ll. 44+).

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Re claim 45:

Gutman in view of Claus wherein it includes further computer means and bar code reading means (see Gutman, col. 5, ll. 1+),

Re claim 46:

Gutman in view of Claus discloses wherein characterized in that it includes further beacon means allowing to localize it (see Gutman col. 4, ll. 44+),

Re claim 47:

Gutman as modified by Clause fails wherein it includes further a separated remote control able to send a signal toward said electronic purse in order to deactivate it, and/or a sensitive zone able to record a parameter suitable for the user such as a fingerprint or a signature. Kawan discloses these features (see Kawan col. 7, ll. 49+). An artisan at the time of the invention would be motivated to integrate the aforementioned features into Gutman as modified by Claus as alternative means of to improve the security measures of Gutman as modified by Claus being an obvious extension to the teachings thereof. Thus one of ordinary skill in the art would be familiar with the advantages and disadvantages of remote deactivation and/or biometric or digital signatures disclosed in Kawan system and have used them within the remote embodiments disclosed in Gutman as modified by Claus to conserve energy and/or prevent fraudulent behavior and/or misuse. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S Felten
Examiner
Art Unit 3624

DSF
June 07, 2005



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